

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN**  
**BEFORE THE REAL ESTATE BOARD**

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**IN THE MATTER OF THE DISCIPLINARY**

**PROCEEDINGS AGAINST**

**GEORGE R. HUXHOLD and**

**HUXHOLD REALTY & BUILDERS INC.,**

**RESPONDENTS.**

**FINAL DECISION AND ORDER**

**LS9904221REB**

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The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

*George R. Huxhold*  
*5300 Green Bay Road*  
*Kenosha, WI 53144*

*Huxhold Realty & Builders, Inc.*  
*5300 Green Bay Road*  
*Kenosha, WI 53144*

*Wisconsin Real Estate Board*  
*P.O. Box 8935*  
*Madison, WI 53708*

*Department of Regulation and Licensing*  
*Division of Enforcement*  
*P.O. Box 8935*  
*Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

**FINDINGS OF FACT**

1. George R. Huxhold (Huxhold"), date of birth 10/01/42, is licensed in the State of Wisconsin as a real estate broker having license number 90-17787. This license was first granted to him on April 14, 1977.
2. Huxhold's most recent address on file with the Department of Regulation and Licensing is 5300 Green Bay Road, Kenosha, WI 53144.
3. Huxhold Builders & Realtors Inc., is licensed as a real estate corporation having State of Wisconsin license number 91-834036. This license was first granted to it on December 12, 1990.
4. Huxhold is the President of Huxhold Builders & Realtors Inc.

5. At all times relevant hereto, Huxhold was the supervising broker of real estate sales person Cheryl L. Stinson.
6. On or about December 4, 1996, Huxhold, on behalf of Huxhold Builders & Realtors Inc., obtained a WB-1 RESIDENTIAL LISTING CONTRACT-EXCLUSIVE RIGHT TO SELL for the marketing of a newly constructed residence owned by Robin Hill Development Company II, and located at 20530-84th Place, Town of Bristol, Kenosha County, Wisconsin. This residential property is referred to hereafter as the "property".
7. The residence was constructed by Huxhold Builders & Realtors Inc., on behalf of Robin Hill Development Company II.
8. On or about April 13, 1997, Stinson, drafted a WB-11 RESIDENTIAL OFFER TO PURCHASE for the signature of potential buyers William C. Kuru and Susan M. Kuru, wherein the Kuru's offered to purchase the property. This offer was not accepted by the seller.
9. On or about April 22, 1997, Stinson drafted a second offer for the signature of the Kurus. This offer was countered by the seller and the counter was accepted by the Kurus.
10. The transaction closed on May 16, 1997.
11. The taxes prorated at closing were based upon the assessment of vacant land and did not reflect the newly assessed value of the property as of January 1, 1997.
12. The assessment for 1996 was \$15,400.00 for vacant land with no assessment for Buildings. The assessment for 1997 increased the assessed value by \$103,200.00. This increase was attributable to the newly constructed residence on the property.
13. At no time prior to, or at closing, did Stinson, Huxhold or any representative of Huxhold Building & Realtors Inc., advise the Kurus that the property was to be reassessed due to the construction of the residence on the property during 1996.
14. The net 1996 real estate tax on the property was \$317.00, according to the MLS information provided by Stinson to the Kurus when the Kurus made their offer to purchase on the property. The 1997 tax billed to the Kurus was \$2,657.97.
15. A copy of the offer to purchase for this transaction is attached hereto as **Exhibit A**, and is hereby incorporated into this document by this reference. Lines 18 through 22 of the offer fail to disclose any "conditions affecting the Property or transaction (as defined at lines 168 to 188)". The offer defines conditions affecting the Property or transaction to include, at Line 179 "completed or pending reassessment of the Property for property tax purposes".
16. Stinson, during the investigation of this matter, indicated to the Division of Enforcement that the Kuru offers were the first she ever drafted on newly constructed property and if she had known of the importance of the tax assessment change she would have advised the Kurus of the reassessment and would have provided for a proration of the 1997 taxed based upon the new assessment.
17. During the investigation of this matter, the clerk/treasurer's office for the Town of Bristol indicated to the Division of Enforcement that it provides, upon request, estimates of real estate tax assessments and bills on newly constructed houses that are sold prior to the determination of the actual assessment or tax.
18. Neither Stinson, nor Huxhold, requested the Town of Bristol to make this estimate of tax liability so that the Kurus could be reasonably informed of this condition affecting the transaction.

### **CONCLUSIONS OF LAW**

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to section 452.14, Wis. Stats.
2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to section 227.44(5), Wis. Stats.
3. Respondent George R. Huxhold has violated:
  - a. Sections RL 17.08(1) and 17.08(2) of the Wisconsin Administrative Code and sections 452.12(3)(a) and 452.14(3)(i) of the Wisconsin Statutes by failing to appropriately supervise the real estate activities of a salesperson supervised by him.
4. Respondent Huxhold Realty & Builders Inc., is subject to discipline pursuant to section 452.14(4) of the Wisconsin Statutes.

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that the real estate license of Respondent

**GEORGE R. HUXHOLD**, real estate broker license # 90-17787, is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **GEORGE R. HUXHOLD**, within six months of the date of this Order, successfully complete the following course modules from the real estate broker course at an educational institution approved by the Department of Regulation and Licensing:

- a. The four hour Personnel module RL 25.02(2)(f); and
- b. The four hour Business ethics module RL 25.02(2)(g),

and submit proof of the same in the form of verification from the institution providing the education to the Real Estate Board, P.O. Box 8935, Madison, WI 53708-8935. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

IT IS FURTHER ORDERED, that in the event Respondent **GEORGE R. HUXHOLD** fails to successfully complete the educational requirements within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **GEORGE R. HUXHOLD**, his real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further order of the Board.

IT IS FURTHER ORDERED, that Respondent, **GEORGE R. HUXHOLD** pay a **FORFEITURE** of Five Hundred Dollars (\$500.00), within thirty days of the date of this Order. Payment of this forfeiture shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed or delivered to the Department at PO Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event **GEORGE R. HUXHOLD** fails to pay the \$500.00 forfeiture within the time and in the manner as set forth above, his real estate broker's license shall be immediately suspended, without further notice, hearing or Order of the Board, and said suspension shall continue until the full amount of said forfeiture have been paid to the Department of Regulation and Licensing, and his failure to pay the forfeiture shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that Respondent **GEORGE R. HUXHOLD**, pay partial costs of \$300.00, within 30 days of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **GEORGE R. HUXHOLD** fails to pay the \$300.00 costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **GEORGE R. HUXHOLD**, his real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing and her failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that Respondent **HUXHOLD REALTY & BUILDERS INC.**, license #91-834036, is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED, that investigative file 98 REB 008 be, and hereby is, closed as to George R. Huxhold and Huxhold Realty & Builders Inc., and not as to any other respondent.

Dated this 22nd day of April, 1999.

**WISCONSIN REAL ESTATE BOARD**

By: James Imhoff

Attachment: Exhibit A

